

**FINAL PROGRAM AGENDA
2002 NEGOTIATED RULEMAKING
TEAM II**

25 Issues

Quick Fix	Origin	Regulatory Cite	Statutory Cite	Suggested Change	ED Note
Yes	ED	Federal Work Study 675.21(b)		Provide proprietary institutions more flexibility in establishing work-study jobs on campus.	
	FED UP #5	Electronic Process General		Provide broad authority permitting electronic transmission of authorizations whenever the regulations state that an authorization should be provided "in writing."	<i>Only requires policy clarification</i>
	FED UP #6 and #8	Federal Work Study Electronic Process 675.19(b)(2)(I)		Permit the use of electronic time systems as alternatives to paper time records signed by a supervisor for FCWS.	<i>This is already permitted under the rules.</i>
Yes	FED UP #7	Electronic Process Administrative 668.165(a)(3)(ii)		Modify the acknowledgement of receipt requirement for an electronic loan disbursement notice under the cash management regulations.	
	FED UP #35	Return of Title IV Funds Late Disbursements 668.22 (e)	484B(3)	Clarify when, in the calculation of a Return of Title IV Aid, the late disbursement regulations of the cash management regulations are to be used. This issue has to do with the determination of "aid that could have been disbursed" in the calculation of Title IV aid earned under the Return of Title IV Aid rules as opposed to the limitations of late disbursements under the cash management regulations.	<i>Only requires policy clarification</i>

Quick Fix	Origin	Regulatory Cite	Statutory Cite	Suggested Change	ED Note
	FED UP #36	Late Disbursements “No Fault” Late disbursements 668.164(g)(3)(ii) and 668.164 (g)(3)(i) 668.164(g)(2)(ii)(D)	484B	Allow late disbursements after the “90-day window” if the disbursement was due to “no fault” of the borrower.	<i>Keep in Team II</i>
	FED UP #39	Return of Title IV Funds Attendance 668.22(j)(1)(B)	484B	Clarify that for Return of Title IV Aid purposes the only schools that are “required to take attendance” are those that are required to do so by their certification or licensing board.	
	FED UP #41	Return of Title IV Funds Leave of Absence 668.22(d)(4)		Codify in regulations that a student may submit one request for multiple leaves of absence.	
	FED UP #42	Return of Title IV Funds 50% Grant Protection		Amend the statute to provide for 50% grant protection for students who withdraw more than once.	<i>Statutory authority under review.</i> <i>Group wants decision prior to next meeting.</i>
	FED UP #64	Incentive Compensation 668.14	487(a)(20)	Clarify the prohibitions on an institution providing certain incentive compensation to its employees, contractors, etc.	
	FED UP #65	12-Hour Rule 668.2(b)(2)(ii)(B)		Modify the “12-Hour Rule.”	

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	FED UP #67	90-10 Rule 600.5	102(b)(1)(F)	Allow a proprietary institution to count SEOG/Perkins matching funds in the “90/10” calculation. Allow schools to assume that institutional charges have been met by payments from qualified 529 plans rather than from Title IV aid.	
	FED UP #75	Equity in Athletics Disclosure Act (EADA) Reporting 668.23 668.41(g) and 668.47	485(g)	The time period for preparing and reporting EADA disclosures should correspond to the time period allowed for the submission of audited financial statements.	
	FED UP #81	Change of Ownership 668.13		Broaden the exception to the change of ownership provisions to include any change of ownership interest among family members or partners or transactions that simply redistribute ownership shares among those who are already reported to have an ownership interest.	
	FED UP #82	GEAR UP 694.10	404A-G	Revise packaging rules.	
	FED UP #88	Use of College Work Study Funds 675.18(g)	443(b)(2)(B)	Clarify the conditions under which the Secretary may grant a waiver of the requirement that a school use a certain percentage of its FWS federal allocation for community service.	
	FED UP #89 and #99	Need Analysis		Clarify that the allowable rental or purchase of a computer may occur before the start of an award year.	<i>Only requires policy clarification</i>

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	FED UP #94	Regaining of Eligibility for Students Handbook		Establish uniform retroactive eligibility treatment for previously ineligible students who regain eligibility.	<i>Only requires policy clarification</i>
	FED UP #100	Over Award Tolerances 673.5		Use the \$300 over award tolerance for all federal aid programs so there is consistency with all federal aid programs.	<i>This is not permitted under the statute.</i>
	ED	Home Schooled Students Student Eligibility 668.32(e)(4)		Clarify and define Title IV eligibility requirements for home-schooled students and make consistent with institutional eligibility requirements.	
	1/7/02 Suggestion	Return of Title IV Funds Timely Refunds		Determine timely making of refunds.	<i>Only requires policy clarification</i>
	1/7/02 Suggestion	School Eligibility 50% Rule 600.7		Clarify the “50% rule” for correspondence and telecommunication courses.	
Yes	ED	Treatment of Branch Campuses 600.8		Clarify that the two-year rule only applies to proprietary institutions of higher education and postsecondary vocational institutions.	
	ED	Overpayment 668		Define how to calculate an overpayment such that the policy of eliminating overpayments of less than \$25 would apply to all overpayments.	

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	FED UP (not on 12/14/01 list)	ATB Testing Requirements 668.32(e)(1) and (2); Subpart J of General Provisions		Modify the requirement that a student must take another ATB test in cases where the student withdrawals from school before receiving Title IV funds and re-enrolls more than 12-months after taking the first ATB test.	